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**THE USE OF INSTITUTIONAL MEDIATION
BY
VENEZUELAN BUSINESS LAWYERS**

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ABSTRACT

In this paper I examine the causes why institutional mediation is so scarcely used by corporate lawyers to solve business disputes in Venezuela, despite the apparent general discontent with the traditional mechanisms used to solve legal conflicts and the growing promotion of mediation as an appropriate dispute resolution instrument. I discuss the opinion of Venezuelan alternative dispute resolution (ADR) advocates that institutional mediation is not being used because of the absence of regulation, the lack of knowledge in the business community about its benefits, the fact that lawyers do not trust in it or its high cost. I argue that the cause of institutional mediation's disuse is that disputants prefer to rely on social relationships and networks to address their conflicts in an informal way, and that these mechanisms have been used for many years aside from the courts which are also frequently utilized despite its alleged congestion and malfunction. I support my argument with the study of the business and the legal profession structures in Venezuela and also with the analysis of empirical data gathered from 85 questionnaires, 11 interviews with Venezuelan lawyers and ADR promoters.